IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 6024 of 2007 (O&M)
Date of decision 7 .5.2007

Puran Chand and others .. petitioners

Versus

State of Haryana and others .. Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

PRESENT: Mr. Rajinder Goyal, Advocate for the petitioners

M.M.Kumar, J.

The petitioners, who are the allottees of Retail liquor outlets and country liquor outlets, have approached this Court by challenging public notice dated 15.4.2007 (Annexure P.3) inviting applications for allotment of remnant retail sale licences of country liquor (L 14A) and Indian made foreign liquor (L2) for the year 2007-08. It is claimed that the rights of the petitioners have been adversely effected as no announcement was made that the remnant liquor vends were to be allotted at the lower rate of licence fee. The petitioners have asserted that non disclosure of charging of lower licence fee for the remnant liquor vends would result into serious prejudice to the rights of the petitioners. When the matter came up for consideration on 30.4.2007, learned counsel for the petitioners sought time to place on record the details of actual licence fee chargeable on the date of issuance of advertisement on 15.4.2007 (Annexure P.3) with a view to establish that the amount of licence fee has been lowered lateron and it has caused prejudice to the rights of the petitioners to participate in the allotment process.

When the matter came up for consideration today, learned

counsel has pointed out from the affidavit dated 4.5.2007 that the rate list (Annexure P.2) was issued after the issuance of advertisement on 15.4.2007. There is neither any document placed on record nor the afore-mentioned fact has been substantiated.

After hearing learned counsel we are of the considered view that no interference of this Court would be warranted because the petitioners are unlikely to suffer any prejudice who have already been allotted various liquor vends. Moreover, in somewhat similar circumstances CWP No.5925 of 2007 (Bhupinder Singh and others v. State of Haryana) was filed by some liquor vendors challenging the same advertisement. The afore-mentioned petition was dismissed on 24.4.2007 for the reason that the quota and the licence fee in respect of the remnant liquor vends have been proportionately reduced and therefore no prejudice is likely to be suffered by the petitioners. Relevant observations in the afore-mentioned writ petition are as under:

> " We have heard the learned counsel at some length and find that there is no merit in the petition because a perusal of revised list of un-allotted vends (P3) shows that in cases where the quota has been kept the same, the licence fee has also been maintained and in cases where the quota has been reduced, correspondingly the licence fee has been reduced. For example, in respect of vend at Sr. No.1 with Code No. SRSCL002, location Dhanur, the licence fee continued to be Rs.10 lacs and quota remains the same, whereas in case of vend at Sr.No. with Code No. SRSCL 006, location Kheowali (PS Odhan), the revised quota is reduced from 10766 to 8613 and

proportionately the licence fee from Rs.10 lacs has been revised to Rs. 8 lacs. The same pattern is discernible from the subsequent entry at Sr.No.3 in respect of Code No. SRSCL0010, location Arianwali, where licence fee has been reduced from Rs.15 lacs to Rs. 11 lacs and the quota has also been reduced from 16260 to 11924. This method of reducing the licence fee does not suffer from any legal infirmity warranting a presumption at the hands of the petitioners that they would suffer unhealthy competition. Moreover, Article 19 (1)(g) of the Constitution is not available to the petitioners, as has been held by Hon'ble the Supreme Court in Khoday Distilleries Ltd v. State of Karnataka (1995) 1 SCC 574. We, therefore, do not feel impressed by any of the submissions made by the learned counsel."

In view of the above, we do not find any ground to interfere with the process of allotment of remnant liquor vends. Accordingly, the writ petition fails and the same is dismissed.

(M.M.Kumar)
Judge

(Rajesh Bindal)
Judge

7 .5.2007
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